

(b)(6)

From: (b)(6)
Sent: Tuesday, May 10, 2005 4:19 PM
To: (b)(6) (DHS HQ)
Cc: Cogswell, Patty; (b)(6)
Subject: All Other Aliens Rule

(b)(6)

Attached please find an edited version. I took all of your comments (thanks for them) and added some of my own based on the suggestions you gave (b)(5). I added a few comments as well for your review.

Also, I included a document that we though might be appropriate to send to OMB as a "draft" based on our meeting yesterday. It is just an edited version of the rule that includes the reg sections plus the sections that explain what we are doing. Please let us know what you think about this and whether somethign would be appropriate to give to them shortly.

Thanks again. We'll talk tomorrow.

(b)(6)



ProposedRule05100 SampleforOMB.doc
5MH.doc

The attachment to this email, consisting of 35 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

The attachment to this email, consisting of 8 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(6)

From: Cogswell, Patty
Sent: Friday, June 10, 2005 8:29 AM
To: (b)(6)
Subject: RE: Canadians in US-VISIT

note that the original question isn't "canadians crossing" but "aliens crossing northern border" ... do we include only LAND border here?

I think we should rephrase the question in a way that we actually have an answer - I don't really like how its done

-----Original Message-----

From: (b)(6)
Sent: Thursday, June 09, 2005 6:37 PM
To: Cogswell, Patty
Subject: Re: Canadians in US-VISIT

It is the first question of that 1-7 doc (b)(6) was circulating. Her wording was all funky - even (b)(6) acknowledged that.

(b)(6) and I will get with (b)(6) to re-phrase his wording in the reg.

-----Original Message-----

From: Cogswell, Patty (b)(2)High, (b)(6) dhs.gov>
To: (b)(6) <(b)(2)High, (b)(6) dhs.gov>
Sent: Thu Jun 09 17:19:49 2005
Subject: RE: Canadians in US-VISIT

The issue I was having was that the 1% cited was total border traffic screened - not just Canadians.

What was (b)(6) actual question here?

-----Original Message-----

From: (b)(6)
Sent: Thursday, June 09, 2005 2:57 PM
To: Cogswell, Patty
Subject: Canadians in US-VISIT

I did some playing around with FY2004 admission figures from the Immigration Statistics web page, and that 1% figure we used for land border admissions might not be so far off. For FY2004, there were 238,897 recorded nonimmigrant admissions of Canadian citizens - and this is at air, sea and land (people with visas or those having the paperwork adjudicated at the border/pre-flight). Of this number, 5,169 were E or K nonimmigrant visa holders. That figure amounts to less than 2.5% - but acknowledging that this is for admissions at air, sea and land. Knowing that the vast majority of these admissions were at pre-flight inspection, (b)(5) of these nonimmigrant visa holds are being screened using US-VISIT at the land borders. Other nonimmigrant visa holders might be admitted at the land borders (A, G and NATO, for example) but are not being enrolled/checked against.

Just a thought.....

(b)(6)

From: (b)(6) (b)(2)High, (b)(6) @dhs.gov]

Sent: Friday, June 10, 2005 5:26 PM

To: (b)(6) (DHS HQ)

Cc: Whalen, Mary (DHS HQ); Cogswell, Patty; (b)(6)

(b)(6)

(b)(6)

Subject: RE: US-VISIT Other Aliens Rule and OMB response on October 26 legal effect



ProposedallOtheraliEntryExitLegalBullet
ens061005MH... s3Alice.do...

(b)(6)

Attached please find our version incorporating your changes. We accepted nearly all of them-- in cases where we did not, (very few) they are noted with a comment embedded in the document. The document is here:

<<ProposedallOtheraliens061005MH.doc>>

Couple of significant points:

(b)(5)

(b)(5)

That document is attached here:

<<EntryExitLegalBullets3Alice.doc>>

Second, DHS has identified that the dates identified by Congress (b)(5) several times in past US-VISIT regulations. For example:

"The principal law that mandates the creation of an automated entry exit system that integrates electronic alien arrival and departure information is the Immigration and Naturalization Service Data Management Improvement Act of 2000 (DMIA), Public Law 106-215 (2000), 114 Stat. 339, codified as amended at 8 U.S.C. 1365a. DMIA amended previous legislative requirements for an entry exit system that would record the arrival and departure of every alien who crosses the U.S. borders. See section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Div. C, Public Law 104-208 (1996), 110 Stat. 3009-558, codified in scattered sections of 8 U.S.C. (later amended by DMIA). DMIA requires that the entry exit system consist of the integration of all authorized or required alien arrival and departure data that is maintained in electronic format in Department of Justice (DOJ) (now DHS) or Department of State (DOS) databases. 8 U.S.C. 1365a. This integrated entry exit system must be implemented at all air and sea ports of entry by December 31, 2003 using available air and sea alien arrival and departure data as described in the statute. DMIA also states that the system must be implemented at the 50 most highly trafficked land border ports of entry by December 31, 2004, and at all ports of entry by December 31, 2005 with all available electronic alien arrival and departure information. DMIA also requires DHS to use the entry exit system to match the available arrival and departure data on aliens and to prepare and submit to Congress various reports on the numbers of aliens who have overstayed their periods of admission and on implementation of the system." 69 FR at 469. (emphasis added)

At 69 FR 470, DHS had the following Q&A:

"Is DHS Meeting the December 31, 2003 DMIA Deadline for Implementing the Integrated Entry Exit System at the Air and Sea Ports of Entry?

Yes. By integrating all the available arrival and departure data on aliens who arrive through the air and sea ports of entry that currently exists in the electronic systems of DHS and DOS and deploying the integrated system at those ports of entry, the Department has met the first DMIA deadline of December 31, 2003. "

These statements were repeated in the August 31, 2004 interim final rule at 69 FR 53319. Further, at 69 FR 53329 in the August 31, IFR, DHS said in response to a comment that "DHS has been working to implement US-VISIT requirements at the 50 most highly trafficked land borders within the time frame required under DMIA." (Emphasis added)

(b)(5)

Similarly, the Border Security Act (b)(5) were established in prior regulations:

"The legislative requirements for biometric identifiers to be utilized in the context of the entry exit system were significantly strengthened with passage of the Enhanced Border Security and Visa Entry Reform Act of 2002 ("Border Security Act" or EBSVERA), Public Law 107-173 (2002)...Section 303(b)(2) requires that "[n]o later than October 26, 2004," all ports of

entry must have equipment and software installed "to allow biometric comparison and authentication of all United States visas and other travel and entry documents issued to aliens, and passports" that are required to be issued by VWP countries. 8 U.S.C. 1732(b)(2)." 69 FR at 469 (Jan. 5); 69 FR 53319 (August 31) repeats this identically, but adding that "Congress recently extended this deadline for one year...pursuant to PL 108-299"

(b)(5)

(b)(5)

We are available to discuss on Tuesday or sooner as you would like. Thanks,

(b)(6)

-----Original Message-----

From: (b)(6) (DHS HQ)

Sent: Thursday, June 09, 2005 3:41 PM

To: Cogswell, Patty; (b)(6)

(b)(6)

Whalen, Mary (DHS HQ) (b)(6)

(b)(6)

Subject: RE: US-VISIT Other Aliens Rule and OMB response on October 26 legal effect

(b)(5), (b)(6)

(b)(5)



Needless to say, soonest, best, (b)(6)

(b)(6)

Office of the General Counsel
Department of Homeland Security
202-205-(b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you. << File: 1653AA01 20050608.doc >> << File: 8.doc >>

The attachment to this email, consisting of 35 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

The attachment to this email, consisting of 7 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(5), (b)(6)

Electronic Message dated August 25, 2005
regarding preparation of talking points for
All Aliens rule

(b)(6)

From: Cogswell, Patty
Sent: Friday, August 26, 2005 1:07 PM
To: Maher, Joseph (DHS HQ)
Cc: (b)(6)
Subject: Acting in my absence

Joe -

I just wanted to let you know that I'll be out next week on leave. In my absence, (b)(6) will be acting, and (b)(6) will be following up on any regulatory issues and can get you anything you need. (b)(6) is the actual author of the All Other Aliens reg (so I've added all three individuals to the email).

(b)(6) will be working to finish up the document for you on all the places where we've said things about US-issued documents. I've attached what we've found so far, but its all recent materials, except for the powerpoint. We're trying to go backwards in the archives. One document is just language cut from multiples sources (sources noted). The other (powerpoint) is a briefing document used with DHS leadership (Undersecretary, Secretary's office, etc) (b)(5)

(b)(5)

(b)(6) are also working on a briefing paper (Adam Isles requested) for use by Randy Beardsworth or Jim Williams before the Dep Sec/Sec (b)(5)

(b)(5) They will make sure you get a copy.

I also had two questions for you:

(1) Has there be any response from OMB on the Increment 3, Remaining Ports Notice? Just wanted to see if they had set any expectations about how soon we could hear from them. By the notice - the first group of ports is supposed to start September 19. That's less than a month from now.

(2) When last we talked, you mentioned that you were intending to have a conversation with OMB about the planned approach for the All Other Aliens rule (b)(5). Did that conversation happen? What was their response?

Thanks very much. See you when I get back.



October 26
MRTD.doc



2A proposal for use
of issued ...

Patty

**August 15, 2005 Conferee Report: Monthly Report from DHS
In response to Conference Report 108-280**

- **Increment 2A** encompasses an initial operating capability of biometrically comparing and authenticating travel documents at all POEs by October 26, 2005.

Increment 2A– United States Travel Documents and ePassports: Increment 2A includes the operational requirement and capability to biometrically compare and authenticate travel documents at all ports of entry. These documents include travel documents issued by the U.S. (e.g., re-entry permits, refugee travel documents) and passports that have been issued by Visa Waiver countries according to the ICAO standards that have been defined. The requirement of reading and validating United States issued documents and passports from Visa Waiver countries that include a digital photograph is October 26, 2005. The capability to ready ICAO compliant electronic chip enabled passports is October 26, 2006.

.....

United States Visitor and Immigrant Status Indicator Technology (US-VISIT)

Annual Report on Integrated Entry and Exit Data System as required by the Data Management Improvement Act of 2000 (Public Law 106-215) and the Visa Waiver Permanent Program Act (Public Law 106-396), page 4 (Currently in clearance)

- By October 26, 2005, US-VISIT will deploy capability that encompasses the initial operating capability of biometrically comparing and authenticating travel documents at all ports-of-entry, as required by Enhanced Border Security and Visa Entry Reform Act (BSA) (P.L. 107-173, as amended).

.....

**QUESTIONS FROM CHAIRMAN HATCH
SENATE JUDICIARY COMMITTEE**

**“THE 9/11 COMMISSION AND RECOMMENDATIONS FOR THE FUTURE OF
FEDERAL LAW ENFORCEMENT AND BORDER SECURITY”
AUGUST 19, 2004**

Q02044: Will DHS follow the Commission’s recommendation to ensure that information systems that can authenticate travel documents and detect potential terrorist indicators are in use at consulates, primary border inspection lines, immigration services offices, and intelligence and enforcement units?

Answer: CBP is working closely with US-VISIT and the International Civil Aviation Organization (ICAO) to conduct mock testing of document readers capable of reading and authenticating electronic passports (e-Passports), which Visa Waiver Countries must have in place by October 26, 2005. In addition CBP continues to work with

US-VISIT to integrate systems with the Department of State and other DHS agencies to authenticate both U.S. and foreign travel documents.

OMB 300 (currently in clearance)

The legislative requirements for biometric identifiers to be utilized in the context of the entry/exit system also were strengthened significantly under the Border Security Act. Section 303(b)(2) of the Border Security Act requires the DHS in cooperation with other responsible agencies, by October 26, 2005, to install at all ports of entry, equipment and software that allow biometric comparison and authentication of all U.S. visas and all other machine-readable, tamper-resistant travel and entry documents issued to aliens, as well as passports that are issued by countries participating in the VWP (8 U.S.C. § 1732(b)(2)). This October 26, 2005 deadline was extended from October 26, 2004 pursuant to Public Law 108-299. Completion of this requirement for documents other than those travel documents issued to aliens by the U.S. has been further extended to October 26, 2006.

Report to Congress in Response to IRTPA § 7208 (currently in clearance) **Appendix A: How US-VISIT Fulfills Statutory Obligations**

- The Enhanced Border Security and Visa Entry Reform Act (EBSVERA), Public Law 107-173. This statute requires that the entry and exit data system:
 - Use technology and biometric standards to be developed by the National Institute of Standards and Technology (NIST), in consultation with other agencies, for alien identification and other purposes.
 - Be accessible at ports of entry and overseas consular posts.

Have equipment and software installed to allow biometric comparison and authentication of all U.S. visas and other travel and entry documents issued to aliens and also machine-readable, biometric passports required to be issued to their nationals by VWP countries at all ports of entry by October 26, 2004 (date later extended to October 26, 2005).

.....

Fiscal Year 2007

Budget Justification for submission to OMB by DHS (matches language from the 2006 submission)

Page 4

Increment 2A: United States Travel Documents and e-Passports. Increment 2A will provide the capability to (1) read and authenticate US-issued machine-readable travel documents (MRTDs) presented by non-citizens, and (2) read and authenticate VWP passports (e-Passports) containing digitally stored biometric identifiers. Comparing the biometric identifiers against data stored in DHS systems will provide this capability. In FY06, the Program will complete work on October 26, 2005 of integrating the remaining U.S. government travel documents issued to foreign travelers (e.g., Lawful Permanent Resident, Reentry and Refugee documents) into US-VISIT per the Enhanced Border Security Act. In addition a development and deployment strategy plan for e-passport readers that will read both U.S. and foreign chip enabled passports that meet the ICAO standard will be completed. Test plans to support an international joint live operational test with VWP Nations will be executed and the development of the solution based upon the results of the live tests will begin.

Consolidated DHS edits 7/27

Questions for the Record from Chairman Tom Davis

US VISIT

1. **Q02547:** What are the next major increments of the US VISIT program that DHS will deliver?

Response: Currently, US-VISIT is working on four major increments:

- To deploy the ability to capture biometric exit data from air and sea departure locations. DHS has just concluded an evaluation of three different exit technology alternatives. The results are currently under review. Once the review process is complete, the DHS will establish its path forward and decide how best to implement the selected exit solution at the remaining air and sea ports of entry.
- To deploy US-VISIT capability to the remaining ports of entry. This work is ongoing and DHS is on track to complete deployment and begin operations prior to the December 31, 2005, INS Data Management Improvement Act deadline.
- To add the capability to biometrically compare and authenticate documents issued to aliens by DHS or State, such as Permanent Resident Card holders, Reentry

Permit holders, or Refugee Travel Document holders on entry and exit from the United States. DHS is working towards achieving this goal by October 26, 2005, as required by the Enhanced Border Security and Visa Entry Reform Act.

- To conduct a proof of concept, using radio frequency identification (RFID) technology to automatically and electronically record the arrival and departures of non-citizens at the land borders. The Proof of Concept will test the ability to record individuals crossing the border (arriving or leaving) either on foot or by vehicle. This proof of concept will be tested at 5 locations beginning August 4, 2005.

(b)(5)

Eight-page Slide Presentation
on proposed solutions for
Biometric Comparison and
Authentication of U.S.
Government-Issued Travel
and Entry Documents



Homeland Security

Three-page electronic message dated August 30, 2005, discussing All Other Aliens and Canadian Issues related to Authority to Collect Biometric Data from Additional Travelers

(b)(6)

From: Cogswell, Patty
Sent: Sunday, September 04, 2005 3:33 PM
To: (b)(6)
Subject: Fw: All Aliens

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Williams, Jim <(b)(2)High, (b)(6)@dhs.gov>
To: Isles, Adam (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Beardsworth, Randy (DHS HQ) <(b)(2)High, (b)(6)@DHS.GOV>; Dezenski, Elaine (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Baker, Stewart (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>
CC: (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>; Robert.Mocny <(b)(2)High, (b)(6)@dhs.gov>; Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Sun Sep 04 14:57:43 2005
Subject: RE: All Aliens

Adam,

I think we can have the meeting as soon as possible in order to approve/modify the reg so that we can ensure we meet the schedule for the implementation schedule for legislatively mandated part of the reg. Elaine, can we discuss at 11:30 on Tuesday, which is our normal Monday morning call time. Stewart, please let me know if you would like to be in on that call, I think it would be great if you could, and I will ensure you get the conference call info.

Thanks,

Jim

From: Isles, Adam
Sent: Thu 9/1/2005 6:49 PM
To: Beardsworth, Randy; Dezenski, Elaine; Baker, Stewart; Williams, Jim
Cc: (b)(6)
Subject: FW: All Aliens

I'm recommending that, before this rule is presented to S-1/S-2 for signature, we have a discussion with DepSec explaining the rule and its implications - in particular for Canadian citizens. I would see Jim as having action for the briefing, but with a consolidated BTS view walking in.

Please advise how soon you think you'd be ready for such a meeting, and which other components, if any, should be there (Leg? Public Affairs? OIA? CBP?)

Thanks

Adam

From: Maher, Joseph
Sent: Monday, August 29, 2005 5:18 PM
To: Isles, Adam
Subject: All Aliens

Adam,

Here is the reg text for All Other Aliens. I'm remembering now that we did submit it to Exec Sec, but with a note saying that a meeting should be set up for the Dep Sec on it.

Joe

This message and any attachments may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

(b)(6)

From: (b)(6)
Sent: Monday, September 05, 2005 10:10 AM
To: Cogswell, Patty
Cc: (b)(6)
Subject: Re: All Aliens

(b)(5), (b)(6)

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
To: (b)(6) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Sun Sep 04 15:33:24 2005
Subject: Fw: All Aliens

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Williams, Jim <(b)(2)High, (b)(6)@dhs.gov>
To: Isles, Adam (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Beardsworth, Randy (DHS HQ) <(b)(2)High, (b)(6)@DHS.GOV>; Dezenski, Elaine (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Baker, Stewart (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>
CC: (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>; Robert.Mocny <(b)(2)High, (b)(6)@dhs.gov>; Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Sun Sep 04 14:57:43 2005
Subject: RE: All Aliens

Adam,

I think we can have the meeting as soon as possible in order to approve/modify the reg so that we can ensure we meet the schedule for the implementation schedule for legislatively mandated part of the reg. Elaine, can we discuss at 11:30 on Tuesday, which is our normal Monday morning call time. Stewart, please let me know if you would like to be in on that call, I think it would be great if you could, and I will ensure you get the conference call info.

Thanks,

Jim

From: Isles, Adam
Sent: Thu 9/1/2005 6:49 PM
To: Beardsworth, Randy; Dezenski, Elaine; Baker, Stewart; Williams, Jim
Cc: (b)(6)
Subject: FW: All Aliens

I'm recommending that, before this rule is presented to S-1/S-2 for signature, we have a discussion with DepSec explaining the rule and its implications - in particular for Canadian citizens. I would see Jim as having action for the briefing, but with a consolidated BTS view walking in.

Please advise how soon you think you'd be ready for such a meeting, and which other components, if any, should be there (Leg? Public Affairs? OIA? CBP?)

Thanks

Adam

From: Maher, Joseph
Sent: Monday, August 29, 2005 5:18 PM
To: Isles, Adam
Subject: All Aliens

Adam,

Here is the reg text for All Other Aliens. I'm remembering now that we did submit it to Exec Sec, but with a note saying that a meeting should be set up for the Dep Sec on it.

Joe

This message and any attachments may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

(b)(6)

From: (b)(6)
Sent: Tuesday, September 06, 2005 9:20 AM
To: (b)(6)
Subject: FW: Rule

-----Original Message-----

From: (b)(6)
Sent: Friday, August 26, 2005 12:05 PM
To: (b)(6)
Subject: Rule



ProposedRule08160
5clean.doc

The attachment to this email, consisting of 22 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(6)

From: Cogswell, Patty
Sent: Wednesday, September 07, 2005 6:54 PM
To: Williams, Jim A (DHS HQ); Mocny, Robert A; Lyon, Shonnie R; (b)(6)
(b)(6)
Cc: (b)(6)
Subject: Regulatory news - good and bad

Gang -

Here's the latest update. First the good news - Increment 3 Notice:

- OMB plans to clear the Increment 3 Notice TOMORROW. Its all signed by the Secretary, Counsel has the Fed Reg package prepared, so they will take to the register tomorrow. Publication should be early next week.

Now the weird status of the moment - Increment 2A/All Other Aliens:

(b)(5)

I'll keep you posted. Just wanted to give you a flavor of the "status of the moment."

Thanks

Patty

(b)(6)

From: Cogswell, Patty
Sent: Monday, September 19, 2005 9:19 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: FOR REVIEW - US VISIT - NPRM - "United States Visitor and Immigrant Status Indicator Technology Program ("US-VISIT"); Authority to Collect Biometric Data from Additional Travelers "



ProposedRule April
8 2005.doc

(b)(6) - in response to your email from Friday, the rule went through formal clearance via BTS and DHS-wide clearance. I'm not sure who all exactly you all have on your routing from those two processes (do you have a "tasking" box?) but the comments below were the one set of formal comments we received from CBP through the DHS-wide clearance.

Informally, the status of the rule (eg., where it is in clearance), and the process that the rule covers, is part of both the weekly IPT (I, or my representative discuss the current status) and the weekly Increment 2A meetings.

Patty

-----Original Message-----

From: (b)(6)
Sent: Friday, September 16, 2005 4:08 PM
To: Cogswell, Patty
Cc: (b)(6)
Subject: FW: FOR REVIEW - US VISIT - NPRM - "United States Visitor and Immigrant Status Indicator Technology Program ("US-VISIT"); Authority to Collect Biometric Data from Additional Travelers "

(b)(6) (see below). Thanks, (b)(6)

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Tuesday, April 26, 2005 6:10 PM
To: (b)(6)
Cc: (b)(6) (DHS HQ); Dhsregulations, (DHS HQ); (b)(6) (DHS HQ)
Subject: Re: FOR REVIEW - US VISIT - NPRM - "United States Visitor and Immigrant Status Indicator Technology Program ("US-VISIT"); Authority to Collect Biometric Data from Additional Travelers "

Here are comments from the Office of Chief Counsel at CBP.

(b)(6)

----- Forwarded by (b)(6)/NE/USCS on 04/26/2005 06:07 PM -----

(b)(6)

04/26/2005 10:30

AM

To: (b)(6)/NE/USCS@USCustoms
cc: (b)(6)/NE/USCS@USCustoms,

(b)(6)

(b)(6)/NE/USCS@USCustoms
Subject: Re: FOR REVIEW - US VISIT - NPRM

- "United States
Technology Program
Biometric Data from

Visitor and Immigrant Status Indicator
("US-VISIT"); Authority to Collect
Additional Travelers "

(b)(6)

at (b)(6) request, I am forwarding the comments below to you. Please let me know if you would like to discuss. Thank you.

(b)(6)

202 344-(b)(2)High,
(b)(6)

----- (b)(6) /NE/USCS wrote: -----

To: (b)(6) /NE/USCS@USCustoms
From: (b)(6) /NE/USCS
Date: 04/22/2005 02:41PM
cc: (b)(6) /NE/USCS@USCustoms
Subject: Re: FOR REVIEW - US VISIT - NPRM - "United States Visitor and Immigrant Status Indicator Technology Program ("US-VISIT"); Authority to Collect Biometric Data from Additional Travelers "

(b)(5), (b)(6)

----- (b)(6) /NE/USCS wrote: -----

To: (b)(6) /NE/USCS@USCUSTOMS
From: (b)(6) /NE/USCS
Date: 04/20/2005 01:57PM
cc: (b)(6) /NE/USCS@USCustoms
Subject: FOR REVIEW - US VISIT - NPRM - "United States Visitor and Immigrant Status Indicator Technology Program ("US-VISIT"); Authority to Collect Biometric Data from Additional Travelers "

(b)(6) for your review and comments, please. (b)(6)

----- Forwarded by (b)(6) /NE/USCS on 04/20/2005 01:57 PM -----

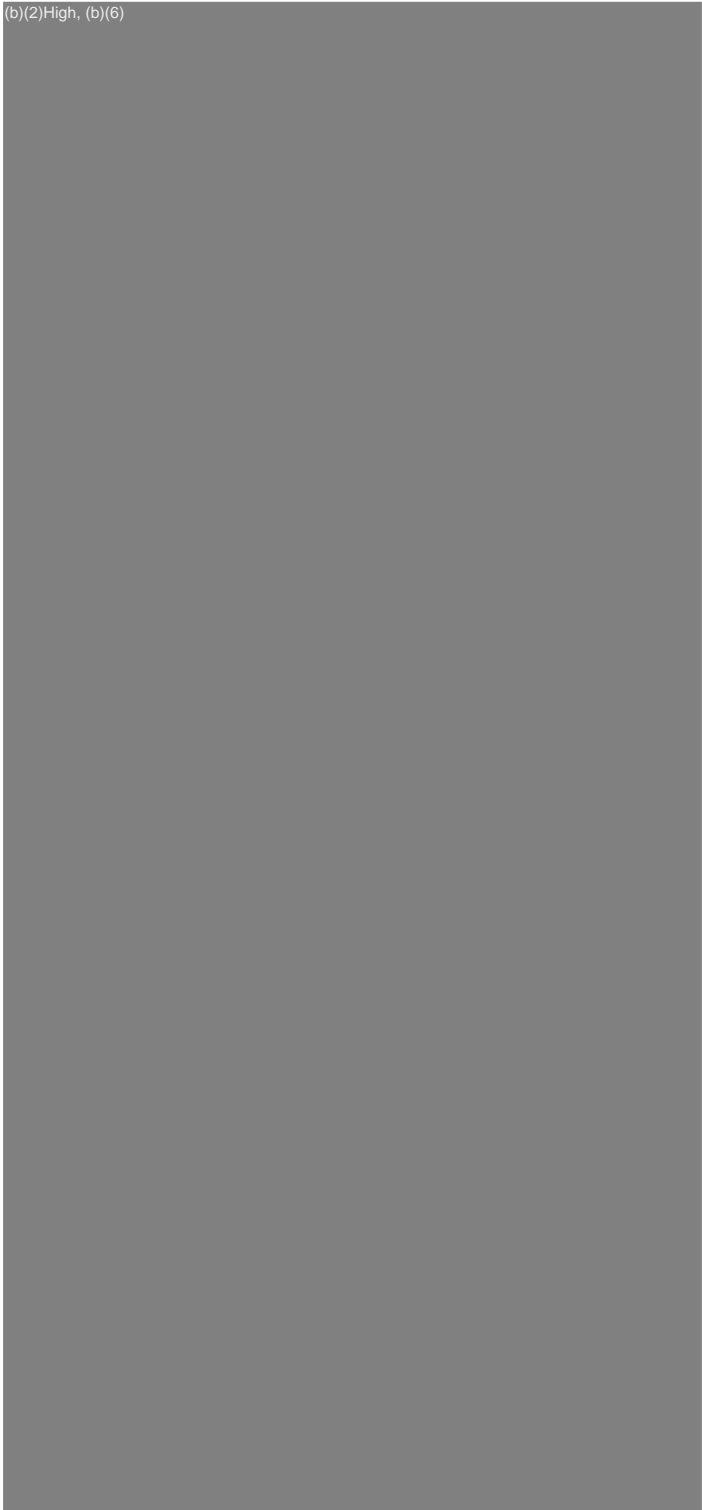
HA
RO To: (b)(6)
(b)(6) /NE/USCS@USCustoms, (b)(6)
(b)(6) /NE/USCS@USCUSTOMS, (b)(6)
(b)(6) /NE/USCS@USCUSTOMS
NG cc:
ER Subject: FOR REVIEW - US
VISIT - NPRM - "United States Visitor
and Immigrant Status Indicator
04 Technology Program ("US-VISIT");
/2 Authority to Collect Biometric Data
0/ from Additional Travelers "

20
05
01
:5
4
PM

For your review and, if necessary, comments.

----- Forwarded by (b)(6) /NE/USCS on 04/20/2005 01:52 PM -----

(b)(2)High, (b)(6)



Subject: FOR REVIEW -
US VISIT - NPRM - "United
States Visitor and Immigrant
Status Indicator Technology
Program ("US-VISIT"); Authority
to Collect Biometric Data from
Additional Travelers "

FOR DHS EYES ONLY

Good Afternoon,

Attached for your comment and/or concurrence is a US VISIT Notice of Proposed Rulemaking ?United States Visitor and Immigrant Status Indicator Technology Program ("US-VISIT"); Authority to Collect Biometric Data from Additional Travelers?.

Summary as extracted from NRPM:

(b)(5)



Please send in all comment no later than COB Wednesday, April 27, 2005. Comments should be sent directly to (b)(6) or US VISIT ((b)(2)High, (b)(6) @dhs.gov) with a copy to (b)(6) (b)(2)High, (b)(6) @dhs.gov), DHSRegulations@dhs.gov, and myself (b)(2)High, (b)(6) @dhs.gov).

Thanks!

(b)(6)




(b)(6)



Department of Homeland Security
Office of General Counsel (7th and D St, SW)

Office of the Executive Secretariat (NAC)

(202) 205- - Office

(202) 360- - Cell

(See attached file: ProposedRule April 8 2005.doc)

The attachment to this email, consisting of 59 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(6)

From: Cogswell, Patty
Sent: Tuesday, September 27, 2005 6:23 PM
To: (b)(6)
Cc:
Subject: decisions required

(b)(6) - following up on our conference call earlier today:

We have developed a regulation for expansion of the population from whom we collect biometrics at air/sea/and land ports of entry. This regulation is intended to let us collect fingerprints and photographs from additional classes of aliens - so that we can (1) conduct added watchlist checks, (2) compare those biometrics to those taken from the person when they applied for their US-issued travel or entry document, and (3) enroll those who have (or are applying for) a US-issued document related to travel or entry but for whom we otherwise do not already have biometrics. This is our mechanism to bring meaning to 303 of the Enhanced Border Security Act, requiring deployment of equipment and software that will allow us to biometrically compare and authenticate visas and other US-issued travel and entry documents issued by the Secretary of State or DHS. The statutory deadline is 10/26/05.

Tied to this is a System of Records Notice (SORN) and Privacy Impact Assessment. Because they are tied to the policy decision of announcing that we're collecting information from added populations, they, although the clearance process is much simpler, have not yet been transmitted to OMB for clearance, or sent for publication. Unfortunately, the SORN must be published 30 days prior to beginning of collection of new information.

(b)(5) and the Secretary's office. We're now in the unfortunate position of being unable, at this point, to put the necessary provisions in place that would allow us to do the collection into place by the statutory deadline. To have met the deadline, the SORN would have had to have been published by 9/26/05.

(b)(5)

Please let me know if I can get you any added information.

Patty

(b)(6)

From: (b)(6) (b)(2)High, (b)(6) @dhs.gov]
Sent: Wednesday, October 12, 2005 11:32 AM
To: Cogswell, Patty; (b)(6)
Subject: RE: All Other Aliens Meeting

(b)(6)

(b)(5), (b)(6)

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6) @dhs.gov]
Sent: Wednesday, October 12, 2005 11:15 AM
To: (b)(6)
Subject: RE: All Other Aliens Meeting

(b)(6) - can you check in with (b)(6) and see what Jim's availability is?

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6) @dhs.gov]
Sent: Wednesday, October 12, 2005 11:03 AM
To: Cogswell, Patty; (b)(6)
Subject: RE: All Other Aliens Meeting

Ok—talked to (b)(6) and she says she'll schedule it for Friday AM. Can we get Jim there? That was part of my argument for changing the time.

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6) @dhs.gov]
Sent: Wednesday, October 12, 2005 10:57 AM
To: (b)(6)
Subject: RE: All Other Aliens Meeting

Note we have a 230-4 with OMB and 4-5 with FBI (its the Exec Steering Committee on Interoperability). Jim has to be there for both - and I should be. If necessary, I'll come up. I think we're going to have a really hard time getting people to a 3pm. Can you try for Friday AM?

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6) @dhs.gov]
Sent: Wednesday, October 12, 2005 10:40 AM
To: Cogswell, Patty; (b)(6)
Subject: All Other Aliens Meeting

I just talked to (b)(6) and she just got off the phone after talking to (b)(6) for a while. She would like to schedule a meeting between US-VISIT, BTS Policy, and OGC on this regulation tomorrow afternoon sometime after 3 at the NAC (sorry) and will send an agenda out later today. I know this interferes with the weekly 2PM meeting but I think it is important that we show up in numbers as this will likely be the meeting where some of the larger issues get resolved (b)(5). I would even like to have Jim if he is available and willing. Will send out more details when I have them. Thanks (b)(6)

(b)(6)

From: Cogswell, Patty
Sent: Tuesday, October 18, 2005 1:03 PM
To: (b)(6) Hastings, Scott O; Hinken, Anna; Lyon, Shonnie R; Mocny, Robert A; P.T. Wright; (b)(6) Rodriguez, Manny M; Roemeling, Keith D; Schmitt, Dana; Williams, Jim A (DHS HQ)
Cc: (b)(6)
Subject: Summary of yesterday's meeting on All Aliens

All -

Just wanted to give a summary on the meeting Jim, (b)(6) and I attended yesterday with Stewart Baker, Adam Isles, and General Counsel. The bad news is that I don't have a final resolution yet on our timing for the regulation. (b)(5)

(b)(5) This drove much of the discussion on approach.

(b)(5)

I'll keep you posted as we hear about Stewart's meeting with Phil.

Thanks

Patty

(b)(6)

From: Williams, Jim [Jim.Williams@dhs.gov]
Sent: Tuesday, October 18, 2005 1:44 PM
To: Cogswell, Patty; (b)(6) Hastings, Scott O; Hinken, Anna; Lyon, Shonnie R; Mocny, Robert A; Wright, P T; (b)(6) Rodriguez, Manny M; Roemeling, Keith D; Schmitt, Dana; Williams, Jim A (DHS HQ)
Cc: (b)(6)
Subject: RE: Summary of yesterday's meeting on All Aliens

Patty,

Good summary, I would add that Stewart Baker was very supportive and doing his best to be creatively helpful. I think Stewart was saying that (b)(5)

(b)(5)

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Tue 10/18/2005 1:02 PM
To: (b)(6) Hastings, Scott O; Hinken, Anna; Lyon, Shonnie R; Mocny, Robert A; Wright, P T; (b)(6) Rodriguez, Manny M; Roemeling, Keith D; Schmitt, Dana; Williams, Jim A (DHS HQ)
Cc: (b)(6)
Subject: Summary of yesterday's meeting on All Aliens

All -

Just wanted to give a summary on the meeting Jim, (b)(6) and I attended yesterday with Stewart Baker, Adam Isles, and General Counsel. The bad news is that I don't have a final resolution yet on our timing for the regulation. (b)(5)
(b)(5) This drove much of the discussion on approach.

(b)(5)

I'll keep you posted as we hear about Stewart's meeting with Phil.

Thanks

Patty

(b)(6)

From: Cogswell, Patty
Sent: Tuesday, October 18, 2005 3:35 PM
To: (b)(6)
Subject: Fw: US VISIT regs

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Williams, Jim (b)(2)High, (b)(6)@dhs.gov>
To: Baker, Stewart (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>; Cogswell, Patty (b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>; Whalen, Mary (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>; Perry, Phil (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>; Weiss, Baruch (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>; Isles, Adam (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>; Mocny, Robert A (b)(2)High, (b)(6)@dhs.gov>
Sent: Tue Oct 18 15:30:24 2005
Subject: RE: US VISIT regs

Stewart,

Thanks very much. We will provide the best guess we can on the categories included under (b)(6). Patty Cogswell will also contact (b)(6) for any Intel info that can be helpful here.

(b)(5)

Thanks for your leadership on this issue.

Jim

From: Baker, Stewart
Sent: Tue 10/18/2005 3:06 PM
To: Baker, Stewart; Cogswell, Patty; Williams, Jim; (b)(6)
(b)(6) Whalen, Mary Kate; Perry, Phil; (b)(6) Maher, Joseph; Weiss, Baruch; Isles, Adam
Subject: US VISIT regs

All,

Phil and I have talked. Our recommendations are as follows:

(b)(5)

(b)(5)



Stewart

(b)(6)

From: Cogswell, Patty
Sent: Tuesday, October 18, 2005 3:12 PM
To: (b)(6)
Cc: (b)(6); Williams, Jim A (DHS HQ); (b)(6)
Subject: Fw: US VISIT regs

(b)(5)

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Baker, Stewart <(b)(2)High, (b)(6)@dhs.gov>
To: Baker, Stewart (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Cogswell, Patty
<(b)(2)High, (b)(6)@dhs.gov>; Williams, Jim A (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6)
<(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS
HQ) <(b)(2)High, (b)(6)@dhs.gov>; Whalen, Mary (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Perry, Phil (DHS
HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Maher, Joseph
(DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Weiss, Baruch (DHS HQ) <(b)(2)High, (b)(6)@DHS.GOV>; Isles,
Adam (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Tue Oct 18 15:06:52 2005
Subject: US VISIT regs

All,

Phil and I have talked. Our recommendations are as follows:

(b)(5)

Stewart

(b)(6)

From: Whalen, Mary Kate (b)(2)High, (b)(6)@dhs.gov]
Sent: Tuesday, October 18, 2005 4:24 PM
To: Cogswell, Patty; (b)(6)
Cc: Maher, Joseph (DHS HQ); Weiss, Baruch (DHS HQ)
Subject: RE: US VISIT regs

To make sure that we are all on the same page, US-VISIT is going to revise the (b)(5) rule (using the attached revision from OGC), (b)(5)

(b)(5)

Please let me know if this summary is not correct and let us know how we can assist.

Mary Kate Whalen
 Deputy Associate General Counsel
 for Regulations
 Office of the General Counsel
 U.S. Department of Homeland Security
 Washington, D.C. 20528
 (202) 401-(b)(6)
 (202) 360-(b)(6) (cell)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Baker, Stewart [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Tuesday, October 18, 2005 3:07 PM
To: Baker, Stewart; Cogswell, Patty; Williams, Jim; (b)(6) (b)(6) Whalen, Mary Kate; Perry, Phil;
 (b)(6) Joseph Maher; Weiss, Baruch; Isles, Adam
Subject: US VISIT regs

All,

Phil and I have talked. Our recommendations are as follows:

(b)(5)

Stewart

5/30/2006

The attachment to this email, consisting of 23 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(6)

From: (b)(6)
Sent: Thursday, October 20, 2005 9:20 AM
To: Cogswell, Patty
Subject: RE: All Aliens Rule redraft



All Aliens (b)(5)
revised cle...

With modifications noted below.

-----Original Message-----

From: Cogswell, Patty
Sent: Thursday, October 20, 2005 8:37 AM
To: (b)(6)
Subject: Re: All Aliens Rule redraft

Good plan.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: (b)(6) <(b)(2)High, (b)(6)> dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)> dhs.gov>
Sent: Thu Oct 20 08:29:52 2005
Subject: RE: All Aliens Rule redraft

(b)(5), (b)(6)

-----Original Message-----

From: Cogswell, Patty
Sent: Wednesday, October 19, 2005 3:50 PM
To: (b)(6)
Subject: Re: All Aliens Rule redraft

Do we have to have a notice? (b)(5)
(b)(5)

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: (b)(6) (b)(2)High, (b)(6) dhs.gov>
To: Cogswell, Patty (b)(2)High, (b)(6) dhs.gov>
Sent: Wed Oct 19 15:20:25 2005
Subject: FW: All Aliens Rule redraft

Here is a first draft. Redline should show up in green. Inserted a few notes. (b)(5)

(b)(5)

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Wednesday, October 19, 2005 11:51 AM
To: Cogswell, Patty; (b)(6)
Cc: (b)(6)
Subject: All Aliens Rule redraft

Good morning all! Can you give me a possible ETA for the re-write of the rule and the two page memo for Stewart? Trying to get coordinated in terms of his calendar and expectations on this project. Thanks, (b)(6)

The attachment to this email, consisting of 26 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(6)

From: Whalen, Mary Kate (b)(2)High, (b)(6)@dhs.gov]
Sent: Friday, October 21, 2005 2:06 PM
To: (b)(6)
Subject: RE: US VISIT regs

I've confirmed with (b)(6) that your summary below is correct.

Mary Kate Whalen
Deputy Associate General Counsel
for Regulations
Office of the General Counsel
U.S. Department of Homeland Security
Washington, D.C. 20528
(202) 401-(b)(2)High, (b)(6)
(202) 360-(b)(6) (cell)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

-----Original Message-----

From: Whalen, Mary Kate
Sent: Thursday, October 20, 2005 4:39 PM
To: (b)(6) (b)(2)High, (b)(6)@dhs.gov'
Subject: Re: US VISIT regs

Sorry for the delay, send the revision to all 3 of us when ready if you don't mind. I'll check my noted and get back to you on Canadians.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
To: Whalen, Mary (DHS HQ) (b)(2)High, (b)(6)@dhs.gov>
Sent: Wed Oct 19 09:30:30 2005
Subject: RE: US VISIT regs

(b)(5)

Procedural question: After US-VISIT has a redlined version ready for your shop's review, forward directly to you, or to (b)(6) first? Just let me know. Thanks again. (b)(6)

-----Original Message-----


From: Whalen, Mary Kate [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Tuesday, October 18, 2005 4:24 PM
To: Cogswell, Patty; (b)(6) (DHS HQ);

(b)(6)

Cc: Maher, Joseph (DHS HQ); Weiss, Baruch (DHS HQ)

Subject: RE: US VISIT regs

To make sure that we are all on the same page, US-VISIT is going to revise the (b)(5) rule (using the attached revision from OGC),
(b)(5)



Please let me know if this summary is not correct and let us know how we can assist.

Mary Kate Whalen
Deputy Associate General Counsel
for Regulations
Office of the General Counsel
U.S. Department of Homeland Security
Washington, D.C. 20528
(202) 401-(b)(6)
(202) 360-(b)(6) (cell)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Baker, Stewart [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Tuesday, October 18, 2005 3:07 PM
To: Baker, Stewart; Cogswell, Patty; Williams, Jim; (b)(6)
(b)(6) Whalen, Mary Kate; Perry, Phil;
(b)(6) Joseph Maher; Weiss, Baruch; Isles, Adam
Subject: US VISIT regs

All,

Phil and I have talked. Our recommendations are as follows:

(b)(5)



Stewart

(b)(6)

From: Cogswell, Patty
Sent: Sunday, October 23, 2005 7:06 PM
To: (b)(6)
Subject: Fw: US VISIT regs

Good thing you were planning to get the Canadian NPRM started.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Williams, Jim <(b)(2)High, (b)(6)@dhs.gov>
To: Baker, Stewart (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Whalen, Mary (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Perry, Phil (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Maher, Joseph (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Weiss, Baruch (DHS HQ) <(b)(2)High, (b)(6)@DHS.GOV>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Mocny, Robert A <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Sun Oct 23 18:59:08 2005
Subject: RE: US VISIT regs

Stewart,

(b)(5)

We greatly appreciate your support on this issue. (b)(5)

(b)(5)

Thanks again,

Jim

From: Baker, Stewart
Sent: Sun 10/23/2005 5:51 PM
To: Williams, Jim; Cogswell, Patty; (b)(6) Whalen, Mary Kate; Perry, Phil; (b)(6) Maher, Joseph; Weiss, Baruch; Isles, Adam; Mocny, Robert A
Subject: RE: US VISIT regs

Jim

Thanks, and sorry to be late in responding. (b)(5)

(b)(5)

Stewart

From: Williams, Jim
Sent: Tuesday, October 18, 2005 3:30 PM
To: Baker, Stewart; Cogswell, Patty; (b)(6) Whalen,
Mary Kate; Perry, Phil; (b)(6) Maher, Joseph; Weiss, Baruch; Isles, Adam; Mocny,
Robert A
Subject: RE: US VISIT regs

Stewart,

Thanks very much. We will provide the best guess we can on the categories included under (b)(5) (b)(6) Patty Cogswell will also contact (b)(6) for any Intel info that can be helpful here.

(b)(5)

Thanks for your leadership on this issue.

Jim

From: Baker, Stewart
Sent: Tue 10/18/2005 3:06 PM
To: Baker, Stewart; Cogswell, Patty; Williams, Jim; (b)(6)
(b)(6) Whalen, Mary Kate; Perry, Phil; (b)(6) Maher, Joseph; Weiss, Baruch; Isles,
Adam
Subject: US VISIT regs

All,

Phil and I have talked. Our recommendations are as follows:

(b)(5)

(b)(5)



Stewart

(b)(6)

From: Cogswell, Patty
Sent: Sunday, October 23, 2005 9:58 PM
To: (b)(6)
Subject: Re: US VISIT regs

No. Still on. Let's talk tomorrow about what options we could describe ... And what it would mean for timelines.

I'm going to try to talk to (b)(6) (shepherding the WHTI reg) tomorrow so we can talk how to synchronize - I will come try to find you for the mtg.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
Sent: Sun Oct 23 20:53:50 2005
Subject: Re: US VISIT regs

Do we take this to mean that our pledge to not slow down traffic at the border is off the table?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
To: (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Sun Oct 23 19:06:09 2005
Subject: Fw: US VISIT regs

Good thing you were planning to get the Canadian NPRM started.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Williams, Jim <(b)(2)High, (b)(6)@dhs.gov>
To: Baker, Stewart (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Whalen, Mary (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Perry, Phil (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Maher, Joseph (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Isles, Adam (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; Mocny, Robert A <Robert.Mocny@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Sun Oct 23 18:59:08 2005
Subject: RE: US VISIT regs

Stewart,

(b)(5)

We greatly appreciate your support on this issue.

(b)(5)

(b)(5)

Thanks again,

Jim

From: Baker, Stewart
Sent: Sun 10/23/2005 5:51 PM
To: Williams, Jim; Cogswell, Patty; (b)(6) Whalen,
Mary Kate; Perry, Phil; (b)(6) Maher, Joseph; Weiss, Baruch; Isles, Adam; Mocny,
Robert A
Subject: RE: US VISIT regs

Jim

(b)(5)

Stewart

From: Williams, Jim
Sent: Tuesday, October 18, 2005 3:30 PM
To: Baker, Stewart; Cogswell, Patty; (b)(6) Whalen,
Mary Kate; Perry, Phil; (b)(6) Maher, Joseph; Weiss, Baruch; Isles, Adam; Mocny,
Robert A
Subject: RE: US VISIT regs

Stewart,

Thanks very much. We will provide the best guess we can on the categories included under (b)(5) Patty Cogswell will also contact (b)(6) for any Intel info that can be helpful here.

(b)(5)

Thanks for your leadership on this issue.

Jim

From: Baker, Stewart
Sent: Tue 10/18/2005 3:06 PM
To: Baker, Stewart; Cogswell, Patty; Williams, Jim; (b)(6)
(b)(6) Whalen, Mary Kate; Perry, Phil; (b)(6) Maher, Joseph; Weiss, Baruch; Isles, Adam
Subject: US VISIT regs

All,

Phil and I have talked. Our recommendations are as follows:

(b)(5)



Stewart

(b)(6)

From: (b)(6)
Sent: Wednesday, October 26, 2005 5:08 PM
To: Whalen, Mary (DHS HQ); (b)(6) (DHS HQ)
Cc: Cogswell, Patty; (b)(6)
Subject: IFR All Other Aliens

Mary Kate, (b)(6) Attached below is the formal US-VISIT re-submission of the (b)(5) All Other Aliens Rule. The redlined version will show you the edits we made to the version your shop returned to US-VISIT last week. A clean version is also attached. Note the clean version contains some editorial clean-up/corrected spacing, and very minor technical edits - so it is not a 100% match with the redline version.

(b)(6)

202/298 (b)(6)



All_Aliens (b)(5) USV
ISITredline2...



All_Aliens (b)(5)
(b)(5) 10-26...

The attachment to this email, consisting of 33 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

The attachment to this email, consisting of 29 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

One-page electronic message dated
October 27, 2005, Subject: Canadian
proposed rule

(b)(6)

From: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
Sent: Friday, October 28, 2005 8:49 AM
To: (b)(6)
Subject: Re: Canadian proposed rule

Let's send them a one pager agenda - reg text as one item, options (we can just list them) as other.

I would like you to go ahead and work on describing what the options would look like in the reg - but don't work on writing the whole thing until we talk to them about format. Maybe they'll have an example ...

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
Sent: Fri Oct 28 08:42:24 2005
Subject: RE: Canadian proposed rule

I will have a draft ready to take with us, if you think that necessary. Or should we just let them talk? I believe we should sell them of the course discussed yesterday: All Aliens in the reg text, and the options will center on implementation strategies.

-----Original Message-----

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Friday, October 28, 2005 8:39 AM
To: Maher, Joseph (DHS HQ)
Cc: (b)(6)
Subject: Re: Canadian proposed rule

That would be very helpful. Thank you!

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Maher, Joseph <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
CC: (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Fri Oct 28 08:34:31 2005
Subject: RE: Canadian proposed rule

I'll have a conference room arranged for here - I think that will make it more likely for the meeting time to stay set and for the Policy folks to participate as well. If you'd like, I can have a conference call # set up.

(b)(6)

This message and any attachments may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]

5/30/2006

Sent: Friday, October 28, 2005 8:30 AM
To: Joseph Maher
Cc: (b)(6)
Subject: Re: Canadian proposed rule

Ok. Would you like to come to Rosslyn or shall we come to the NAC?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Maher, Joseph <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
CC: (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Fri Oct 28 08:21:14 2005
Subject: RE: Canadian proposed rule

Thurs at 11am works for us on the Regulatory side.

Joe

This message and any attachments may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Thursday, October 27, 2005 6:52 PM
To: Joseph Maher
Subject: Re: Canadian proposed rule

I'm open betwee 11-2 on Thursday. Does anything in that range work for you?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Maher, Joseph <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
Sent: Thu Oct 27 18:44:20 2005
Subject: RE: Canadian proposed rule

Sounds good. Thursday is better for me than Friday.

Joe

This message and any attachments may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

5/30/2006

(b)(6)

From: Cogswell, Patty (b)(2)High, (b)(6)@dhs.gov]
Sent: Tuesday, November 01, 2005 1:49 PM
To: (b)(6)
Subject: Re: NAC Mtg Canada Proposed rule

Can you take the line under conclusion and make it into an agenda item? (Discuss and determine rulemaking structure/methodology)

Other than that - looks good.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty (b)(2)High, (b)(6)@dhs.gov>
Sent: Tue Nov 01 13:33:24 2005
Subject: NAC Mtg Canada Proposed rule

How is the below as a possible agenda:

(b)(5)

Let me know. Will forward to the NAC after I get edits back from you. Trust all is going well. (b)(6)

-----Original Message-----

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Friday, October 28, 2005 8:49 AM
To: (b)(6)
Subject: Re: Canadian proposed rule

Let's send them a one pager agenda - reg text as one item, options (we can just list them) as other.

5/30/2006

I would like you to go ahead and work on describing what the options would look like in the reg - but don't work on writing the whole thing until we talk to them about format. Maybe they'll have an example ...

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
Sent: Fri Oct 28 08:42:24 2005
Subject: RE: Canadian proposed rule

I will have a draft ready to take with us, if you think that necessary. Or should we just let them talk? I believe we should sell them of the course discussed yesterday: (b)(5)

-----Original Message-----

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Friday, October 28, 2005 8:39 AM
To: Maher, Joseph (DHS HQ)
Cc: (b)(6)
Subject: Re: Canadian proposed rule

That would be very helpful. Thank you!

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Maher, Joseph <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
CC: (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Fri Oct 28 08:34:31 2005
Subject: RE: Canadian proposed rule

I'll have a conference room arranged for here – I think that will make it more likely for the meeting time to stay set and for the Policy folks to participate as well. If you'd like, I can have a conference call # set up.

Joe

This message and any attachments may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Friday, October 28, 2005 8:30 AM
To: Joseph Maher
Cc: (b)(6)
Subject: Re: Canadian proposed rule

Ok. Would you like to come to Rosslyn or shall we come to the NAC?

Sent from my BlackBerry Wireless Handheld

5/30/2006

-----Original Message-----

From: Maher, Joseph <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
CC: (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Fri Oct 28 08:21:14 2005
Subject: RE: Canadian proposed rule

Thurs at 11am works for us on the Regulatory side.

Joe

This message and any attachments may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Thursday, October 27, 2005 6:52 PM
To: Joseph Maher
Subject: Re: Canadian proposed rule

I'm open between 11-2 on Thursday. Does anything in that range work for you?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Maher, Joseph <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>
Sent: Thu Oct 27 18:44:20 2005
Subject: RE: Canadian proposed rule

Sounds good. Thursday is better for me than Friday.

Joe

This message and any attachments may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Thursday, October 27, 2005 4:24 PM
To: Joseph Maher; Whalen, Mary (DHS HQ); (b)(6)
Cc: (b)(6)
Subject: Canadian proposed rule

Joe -

5/30/2006

(b)(6)

From: (b)(6)
Sent: Friday, November 04, 2005 1:35 PM
To: (b)(6)
Subject: FW: US-VISIT Reg. Revised

(b)(6)

I thought you might enjoy the attached first draft of the initial US-VISIT reg. that I was requested to prepare (after an earlier, rough CBP version) way back in Nov., 2003. (b)(5)

(b)(5)

Thanks again, for the help on the phone.

(b)(6)

-----Original Message-----

From: (b)(6)
Sent: Sunday, November 23, 2003 5:43 PM
To: (b)(6); Lewis, Nicholas K; Liu, Jerry ; Lyon, Shonnie R; (b)(6);
(b)(6); (b)(2)High, (b)(6) @dhs.gov'; (b)(2)High, (b)(6) @dhs.gov'; (b)(2)High, (b)(6) @dhs.gov'; (b)(2)High, (b)(6) @dhs.gov';
(b)(2)High, (b)(6) @dhs.gov'; (b)(2)High, (b)(6) @dhs.gov'; (b)(2)High, (b)(6) @dhs.gov'; (b)(2)High, (b)(6) @dhs.gov';
(b)(2)High, (b)(6) @dhs.gov'
Cc: (b)(6)
Subject: US-VISIT Reg. Revised

All:

It's done! Well, my first revision anyway. I hope this thing will transmit to all of you. Be sure to put a lot of paper in the printer. I have substantially increased the number of Supplementary Information questions in response to the numerous questions that many of you asked in your comments on the original rule. You will probably find that things get answered as you read through the preamble that you may initially think are not covered. There are many questions in bold throughout the document that I need all of your help to answer. Bob, Jim, Shonnie, Kent, Jerry, there are several very specific factual details that are needed, but I've indicated in bold those issues. Most of those questions occur in the preamble section, although there are a few in the middle section covering the Paperwork Reduction Act, etc. Ellen and Tish, would you please particularly focus on pgs. 41 to 54 as I put in many questions to you there on the "boilerplate" reg. language. Please edit that section as needed. As to the reg. proper, which begins at page 54, I made a number of (b)(5) (and taking comments from Rebecca's, Ian's and Dan's prior notes). Ian has reviewed and cleared on those changes. See how they work for the rest of you immigration attorneys, too. Elizabeth, there is a question toward the end of the preamble (b)(5) and in the "boilerplate" section that I need your help to complete.

(b)(5)

(b)(5)

Along with this reg., several other docs. need to be published simultaneously, if not sooner:

- 1) IDENT systems notice under the Privacy Act. (b)(5)
 - 2) Presidential E.O. to support section 215, particularly for departure procedures.
 - 3) The first FR notice to implement the reg. for phase one for nonimmigrant visa holders
 - 4) Paperwork Reduction Act notice(s). See my notes at that section of the reg. We will need to get OMB expedited clearance under the PRA for an "information collection." In addition to the SF-83 supporting packet that's required, we may also have to publish certain 30 day and 60 day notices. Who will handle the PRA procedures while I work on the reg. revisions? Let's discuss because this is complicated. (b)(5)
- (b)(5)

I'm going to take a break for the rest of the evening, but I will have my cell if anyone needs me urgently. I hope that we can get the factual questions addressed asap and the legal questions on the PRA, and policy issues re A and G visa holders and other nonimmigrants who are exempt from fingerprinting registration, which is not the same as this reg. Please see my questions embedded in the document.

I know it's long, but we can delete issues that you don't feel need to be addressed in the Qs and As in the preamble.

Thanks to everyone for all your help this weekend - and the moral support, too!
Happy Reading!



USVISIT Reg. AJS
Draft.doc

(b)(6)
(b)(6) cell

The attachment to this email, consisting of 61 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(6)

From: (b)(6) (b)(2)High, (b)(6) @dhs.gov]**Sent:** Wednesday, November 30, 2005 6:44 PM**To:** Cogswell, Patty; (b)(6) (DHS HQ)**Cc:** Maher, Joseph (DHS HQ); Weiss, Baruch (DHS HQ); Whalen, Mary (DHS HQ) (b)(6) (b)(6)**Subject:** US-VISIT Enrollment of Additional Aliens IFR

All:

Attached is a revised redline "Enrollment of Additional Aliens in US-VISIT." In light of the previous submissions and the US-VISIT – Policy – OGC meeting, we have spent a great deal of time working through (b)(5)

(b)(5) We propose several significant changes based on the state of the law and legal policy.

(b)(5) we have concluded that we must, at least, undertake this rulemaking. In short, the President has broad discretion for managing the border, Congress has plenary authority over aliens, and no statute bars the President (or the Secretary) from exercising his authority at the border to take fingerprints of all aliens. Indeed, statutes provide for the Secretary to take, or adopt regulations to take, registration fingerprints, etc. (b)(5)

(b)(5)

(b)(5)

(b)(5)

Finally, today we had our regular quarterly-or-so meeting with OMB/EOP on pending regulations and expectations. OMB is very interested in another briefing on this rule when it gets to them (and we recommend it and will arrange it). They are well aware of the Canadian and LPR issues presented by this rule and flagged them again. (b)(5)

(b)(5)

(b)(5)

Early development of power point presentations for this briefing would be useful.

Thoughts, please.

(b)(6)

(b)(6)

Office of the General Counsel
Department of Homeland Security
202-205- (b)(2)High,
(b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

5/30/2006

The attachment to this email, consisting of 35 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(6)

From: Patty Cogswell [(b)(2)High, (b)(6)]@yahoo.com]
Sent: Wednesday, November 30, 2005 7:33 PM
To: (b)(6)
Cc: Cogswell, Patty
Subject: RE: All Other Alien Decision Memo



2946310987-All_Ot 2955641367-Propo
her_Aliens_Po... sedRuleCanada...

my, very minor, edits. Please go ahead and get this started into
circulation. Please also send special copies electronically to (b)(6)

(b)(6)

--- (b)(6) <[(b)(2)High, (b)(6)]@dhs.gov> wrote:

> Here is the revised memo with more pro/con language and a copy of the
> reg with the options language deleted.

>
>
>
> -----Original Message-----
> From: Patty Cogswell [mailto:[(b)(2)High, (b)(6)]@yahoo.com]
> Sent: Tuesday, November 29, 2005 8:10 PM
> To: (b)(6)
> Subject: Re: All Other Alien Decision Memo

>
> Very good job. I've done a redline. Big thing that needs to be
> added
> (and I started but didn't spend too much time on) pros/cons for each
> of
> the options presented.

> Patty

> --- (b)(6) <[(b)(2)High, (b)(6)]@dhs.gov> wrote:

> > First, sorry this is late. Have had a hard time focusing on this
> > product/must be thinking about being away for two weeks starting
> next
> > Monday (or more accurately, whether Buck will let me go away next
> > Monday)! Anyway, let me know if this is what you have in mind. It
> > dawned on me that the options are really only for the Canadian
> > citizens - the other groups are drops in the proverbial
> > US-VISIT-processing bucket. (b)(5)

> (b)(5), (b)(6)

> > <<All Other Aliens Policy Memo 11-25-05.doc>>

> Yahoo! Music Unlimited

> Access over 1 million songs. Try it free.
> <http://music.yahoo.com/unlimited/>
>

Yahoo! Mail - PC Magazine Editors' Choice 2005
<http://mail.yahoo.com>

The attachment to this email, consisting of 6 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

The attachment to this email, consisting of 22 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(6)

From: (b)(6) [(b)(2)High, (b)(6)]@dhs.gov]
Sent: Friday, December 02, 2005 8:35 AM
To: (b)(6) (DHS HQ)
Cc: Cogswell, Patty; (b)(6) Maher, Joseph (DHS HQ); Whalen, Mary (DHS HQ)
Subject: RE: Narrative on Additional Aliens

(b)(5)

may need to be referenced, but the "size" of the reference might be related to the "significance" of the issue. Might these all be handled in a footnote?

(b)(5)

(b)(6)

*Office of the General Counsel
Department of Homeland Security
202-205-[(b)(2)High, (b)(6)]*

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: (b)(6) [mailto:(b)(2)High, (b)(6)]@dhs.gov]
Sent: Friday, December 02, 2005 8:23 AM
To: (b)(6)
Cc: Cogswell, Patty; (b)(6)
Subject: Narrative on Additional Aliens

(b)(5), (b)(6)

<<Additional Classes for DSH2005-0037.doc>>

5/30/2006

Johnson, Adam

From: (b)(6) (b)(2)High, (b)(6) @dhs.gov]
Sent: Friday, December 02, 2005 9:10 AM
To: (b)(6)
Subject: RE: Narrative on Additional Aliens

Yes, I'm sure they would. The rule includes them -- subject to availability -- and the only real issue is whether or the extent to which we mention that fact in the preamble. (b)(6)

(b)(6)

Office of the General Counsel
Department of Homeland Security
202-205- (b)(2)High, (b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: (b)(6) [mailto:(b)(2)High, (b)(6) @dhs.gov]
Sent: Friday, December 02, 2005 9:03 AM
To: (b)(6)
Subject: RE: Narrative on Additional Aliens

Granted. But the (b)(5) may take issue with your risk value assessment!

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6) @dhs.gov]
Sent: Friday, December 02, 2005 8:55 AM
To: (b)(6)
Cc: Cogswell, Patty; (b)(6) Maher, Joseph (DHS HQ); Whalen, Mary (DHS HQ)
Subject: RE: Narrative on Additional Aliens

Ok, but what about the "risk value?" (b)(5)

(b)(5)

(b)(6)

Office of the General Counsel
Department of Homeland Security
202-205- (b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this

message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: (b)(6) [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Friday, December 02, 2005 8:51 AM
To: (b)(6)
Cc: Cogswell, Patty; (b)(6) Joseph Maher; Whalen, Mary (DHS HQ)
Subject: RE: Narrative on Additional Aliens

Well, will defer to your shop on placement, in terms of making this preamble narrative or a footnote. (b)(5)

(b)(5)

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Friday, December 02, 2005 8:35 AM
To: (b)(6) (DHS HQ)
Cc: Cogswell, Patty; (b)(6) Maher, Joseph (DHS HQ); Whalen, Mary (DHS HQ)
Subject: RE: Narrative on Additional Aliens

(b)(5) may need to be referenced, but the "size" of the reference might be related to the "significance" of the issue. Might these all be handled in a footnote?

(b)(5), (b)(6)

(b)(5), (b)(6)

(b)(6)

*Office of the General Counsel
Department of Homeland Security
202-205-(b)(2)High, (b)(6)*

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: (b)(6) [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Friday, December 02, 2005 8:23 AM
To: (b)(6) (DHS HQ)
Cc: Cogswell, Patty; (b)(6)
Subject: Narrative on Additional Aliens

(b)(5), (b)(6)

(b)(5), (b)(6)

(b)(5), (b)(6)



<<Additional Classes for DSH2005-0037.doc>>

(b)(6)

From: Cogswell, Patty
Sent: Wednesday, December 21, 2005 11:55 AM
To: (b)(6)
Subject: RE: All Other Alien Decision Memo

Wacky. I swear I remember responding. Sigh.

OK - yes, it needs to go to all Directors.

-----Original Message-----

From: (b)(6)
Sent: Wednesday, December 21, 2005 11:39 AM
To: Cogswell, Patty
Subject: FW: All Other Alien Decision Memo

This is the last message I have on this. (b)(6)

-----Original Message-----

From: (b)(6)
Sent: Friday, December 02, 2005 12:18 PM
To: (b)(6) 'Patty Cogswell'
Subject: RE: All Other Alien Decision Memo

Format updated.

-----Original Message-----

From: (b)(6)
Sent: Friday, December 02, 2005 11:46 AM
To: 'Patty Cogswell'; (b)(6)
Subject: RE: All Other Alien Decision Memo

Attached is the revised memo and the attachment, the draft proposed rule. (b)(6) can you make sure the memo is formatted correctly? Thank you.

Patty, does this need to go through all the directors for sign off, or can it be just you to Jim - since it is just a memo on a proposal. (b)(6) once Ms. Cogswell opines, compose a routing sheet, please. Thanks very much.

(cleaned up the req to take out (b)(5)

(b)(5)

-----Original Message-----

From: Patty Cogswell [mailto:(b)(2)High, (b)(6)@yahoo.com]
Sent: Wednesday, November 30, 2005 7:33 PM
To: (b)(6)
Cc: Cogswell, Patty
Subject: RE: All Other Alien Decision Memo

my, very minor, edits. Please go ahead and get this started into circulation. Please also send special copies electronically to (b)(6)

(b)(6)

--- (b)(6) <(b)(2)High, (b)(6)@dhs.gov> wrote:

> Here is the revised memo with more pro/con language and a copy of the

(b)(6)

From: (b)(6) (b)(2)High, (b)(6) @dhs.gov]
Sent: Friday, January 06, 2006 3:34 PM
To: (b)(6)
Cc: Cogswell, Patty
Subject: "All" or a "bunch of" other aliens

(b)(5)

(b)(5)

goes to the GC and Secretary per the previous discussions.

Let's get this one resolved and, when US VISIT signs off, I'll have some administrative questions and we can send it on up. (b)(6)

The attachment to this email, consisting of 32 pages, is withheld in full under the provisions of 5 USC §552(b)(5). It is a draft document and part of the DHS deliberative process.

(b)(6)

From: Cogswell, Patty [(b)(2)High, (b)(6)]@dhs.gov]
Sent: Tuesday, January 10, 2006 12:37 PM
To: (b)(6) (DHS HQ); (b)(6) (DHS HQ)
Cc: (b)(6)
Subject: RE: "All" or a "bunch of" other aliens

lets always keep them consistent (explanation, number, and date bounded) throughout

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6)]@dhs.gov]
Sent: Tuesday, January 10, 2006 12:34 PM
To: Cogswell, Patty; (b)(6) (DHS HQ)
Cc: (b)(6)
Subject: RE: "All" or a "bunch of" other aliens

I had thought about that, and agree. We should also keep it floating internally and make a change at the last minute to make it as up to date as possible. I think we have the number in four places -- should we change them all? (b)(6)

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)]@dhs.gov]
Sent: Tuesday, January 10, 2006 12:31 PM
To: (b)(6) (DHS HQ)
Cc: (b)(6)
Subject: RE: "All" or a "bunch of" other aliens

Can we please make sure the numbers are date-bounded? Just needs to always say "between Jan 5, 2004 and Dec 15, 2006 ..." That way we can help people understand why numbers will keep changing (growing)

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6)]@dhs.gov]
Sent: Tuesday, January 10, 2006 9:39 AM
To: Cogswell, Patty; (b)(6) (DHS HQ)
Cc: (b)(6)
Subject: RE: "All" or a "bunch of" other aliens

Ok, we'll use "over 980." (b)(6)

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)]@dhs.gov]
Sent: Tuesday, January 10, 2006 9:31 AM
To: (b)(6) (DHS HQ)
Cc: (b)(6)
Subject: RE: "All" or a "bunch of" other aliens

from Jan 5-Dec 15, we have had 981 adverse actions as a result of biometric matches. These are matches that could only have been found with the biometrics.

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6)]@dhs.gov]
Sent: Tuesday, January 10, 2006 8:40 AM
To: Cogswell, Patty; (b)(6) (DHS HQ)
Cc: (b)(6)
Subject: RE: "All" or a "bunch of" other aliens

5/30/2006

Grazie -- better numbers make better argument! (b)(6)

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Tuesday, January 10, 2006 8:39 AM
To: (b)(6) (DHS HQ)
Cc: (b)(6)
Subject: Re: "All" or a "bunch of" other aliens

I'll pull the stats. Yes, that should be adverse actions where only adverse info was biometric hit. But I will get the latest sheet

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
To: Cogswell, Patty <(b)(2)High, (b)(6)@dhs.gov>; (b)(6) (DHS HQ) <(b)(2)High, (b)(6)@dhs.gov>
CC: (b)(6) <(b)(2)High, (b)(6)@dhs.gov>
Sent: Tue Jan 10 08:35:47 2006
Subject: RE: "All" or a "bunch of" other aliens

Thanks, Patty. I also noted that on the 30th, a release went out stating that there were more than 970 "hits." Two questions: did that mean that we took adverse action? Which number do we want to use? (b)(6)

From: Cogswell, Patty [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Monday, January 09, 2006 2:06 PM
To: Beck, Lee (DHS HQ)
Cc: (b)(6)
Subject: FW: "All" or a "bunch of" other aliens

(b)(6) Just a couple of minor suggestions. (b)(5)
(b)(5)

We also noted a few things that probably just crept back in through the multiple versions moving around.

Otherwise, US-VISIT is fine with the attached document - please go ahead and finalize this document and forward up the chain w/in the GC's office. (b)(5)

Thanks very much for pushing this forward.

Patty

-----Original Message-----

From: (b)(6) [mailto:(b)(2)High, (b)(6)@dhs.gov]
Sent: Friday, January 06, 2006 3:34 PM
To: (b)(6)
Cc: Cogswell, Patty
Subject: "All" or a "bunch of" other aliens

(b)(5)

(b)(5) goes to the GC and Secretary per the previous discussions.

Let's get this one resolved and, when US VISIT signs off, I'll have some administrative questions and we can send it on up. (b)(6)

(b)(6)

From: (b)(6)@pco-bcp.gc.ca]
Sent: Thursday, August 07, 2003 3:39 PM
To: (b)(6)
Cc: (b)(6)@dfait-maeci.gc.ca
Subject: Entry-Exit Meeting

Attachments: Followup and assumptions_july 29 meeting.doc; Operational Design land border option.july 29.doc; Meeting report_July 29.doc



Followup and
assumptions_july ...



Operational Design
land border...



Meeting report_July
29.doc (56...

Hi (b)(6)

You wanted me to confirm the address of the Canadian Embassy for the entry-exit meeting scheduled for August 15 from 1:00 - 5:30. The address is 501 Pennsylvania Avenue NW. The contact person at the Embassy is (b)(6), the Counsellor (Immigration), and he can be reached at 202-682-(b)(6).

At this meeting, we could go through the three documents that arose out of the meeting that we had on July 29, 2003 (please see attached).

Can you pls confirm who, in addition to Jim Williams and Bob Mocny, will be attending from the U.S. government?

If you need anything, do not hesitate to contact me.

(b)(6)

Policy Advisor / Conseillère en politiques Borders Task Force / Groupe de travail sur les frontières
(b)(6)@pco-bcp.gc.ca Telephone / téléphone 613-957-(b)(6), Facsimile / télécopieur 613-944-(b)(6),
Room / Pièce Privy Council Office, 63 Sparks Street, Ottawa, Ontario K1A 0A3 Bureau
du Conseil privé, 63, rue Sparks, Ottawa, Ontario K1A 0A3 Government of Canada / Gouvernement
du Canada

US-VISIT withholds the three
attachments (9 pages) under
FOIA Exemptions
high (b) (2) and (b)(5)